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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,785	08/31/2001	Thomas Stuart Levin	13DV13925	1042

6111 7590 03/29/2004

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,785

Applicant(s)

LEVIN ET AL.

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 – 17 are provisionally rejected under the judicially created doctrine of double patenting over claims 1 - 20 of copending Application No. 09/982,942. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

- In the instant application, applicant claims a server configured with a database. In the copending application, Applicant claims an application configured with a database. It is well known that an application can be a server. It would have been obvious to one with ordinary skill in the art at the time the invention was made to

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substitute the application with the server because the result of the invention will be the same.

- In the instant application, applicant claims, a computer while in the copending application, Applicant claims "at least one wire or wireless". It is obvious to one with ordinary skill to understand that the wire or wireless can be a computer.

The following table shows example some of the claims in '942 that are rejected by corresponding claims in '785

Claims Comparison Table:

	'942	'785
Claims	1	1
	2	2
	3	3

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11 – 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 11, applicant claims, “ the database configured with remediation programs”. However, Applicant fails to provide information in the disclosure so one skill in the art had possession of the claimed invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. In independent claims 1, Applicant claims “ a user to input information”, “a user to download information” in the first limitation. Later, Applicant refers to “the user” on the second and third limitation. However, applicant does not clearly define which user that “the user” applies for. In the interest of compact prosecution, it is assumed that “the user” is the end user/customer that using the system.

B. In independent claims 1 and 11, Applicant claims “an input means for filtering information”. However, applicant does not clearly define the meaning of “filtering” in the disclosure. In the interest of compact prosecution, it is assumed “filtering” is the interface of transmission data between the user and server.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniel et al (U.S. 2002/0022984).

♦ As per claim 1, 11,

Daniel et al (U.S. 2002/0022984) discloses a method for accessing and uploading web based information for internal and external users using a system which includes:

- "A server" See Fig. 1, element 28,
- " At least one client system" (Fig. 1, element 22, 26)
- " Allowing a user to input information into the database for upload to said server including product identification information of said user" corresponds to the information that the technician enters to the portable computer to request data for solving the problem (See Fig. 7, element 106, 108, Fig. 5, page 5, paragraph 0042). The product information corresponds to the data information entered in the boxes as "road number, Motor serial number" in Fig. 5.
- " Allowing a user to download information from the database including service enhancement and upgrade opportunities" See page 3, paragraph 0032.

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- "At least one computer" See Fig. 1, element 22, 26.
- "An input means to filter information between the user and the server" See Fig. 1, element 14, paragraph 0028.
- "An interface between the at least one computer and the server" See Fig. 1, element 14, 15.

♦ As per claim 2, 13,

- "The product information from the user is reviewed for potential service opportunities" See Fig. 10A, element 204, page 8, paragraph 73. Daniel teaches that, based on the characteristics of the equipment, the system will provide instruction to the service personnel. Therefore, the product information is reviewed for potential service opportunities.

♦ As per claim 3,

- "The input means comprises a wizard" See Fig. 1, element 18, Fig. 5.

♦ As per claim 4, 12,

- "Access to said server is configured to be secured by user password" See paragraph 0040.

♦ As per claim 5,

- "Said user comprises multiple users" See Fig. 1, element 22 – 26, paragraph 0028.

♦ As per claim 6 - 7, 17,

- "The database is owned by an owner entity" See page 4, paragraph 36. Daniel teaches that the transportation company owned the location map that is stored in the database. In other word, the transportation company owns this database.
- "The multiple users comprise users internal to the owner entity and users external to the owner entity" See page 4, paragraph 36. Daniel teaches that there are at least two users in the locomotive system.
 - The users that using the transportation corresponds to the "external users".
 - The users that using the system to repair the locomotive corresponds to the "internal users".
- ♦ As per claim 8,
 - "The interface is provided by web pages that can be transmitted from the database to the user" See Fig. 7, page 5, paragraph 0042.
- ♦ As per claim 9, 15 – 16,
 - "The service enhancement and upgrade opportunities comprise service bulletins" See page 5, paragraph 0043, 0049, 0054.
- ♦ As per claim 10, 14,
 - "Server is configured to stored and download text and digital images" See paragraph 0032, 0073.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Yansheng Jiang (U.S. 6,564,375) discloses a reusable components for customization of wizard-based applications.
- McQuown et al (U.s. 2002/0059269) discloses a method for guiding repair or replacement of parts for generally complex equipment.
- Bae et al (U.s. 6,295,531) discloses a cool ice data wizard.
- MacLeod Beck et al (U.S. 2003/0179729) discloses a method and apparatus for providing media-independent self-help modules within a multimedia communication center customer interface.
- Costello et al (U.S. 2002/0007225) discloses a method and system for graphically identifying replacement parts for generally complex equipment.
- Walker et al (U.S. 5,862,223) discloses a method for a cryptographically assisted commercial network system designed to facilitate and support expert based commerce.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

LN


WAYNE AMSBURY
PRIMARY PATENT EXAMINER